

EXHIBIT E

THE NORTHWEST'S LARGEST AUTOMOBILE DEALERSHIP

- LARGEST INVENTORY
- LARGEST SERVICE DEPARTMENT
- LARGEST CAMPER & TRAILER LOT

750 RAINIER AVE. SO., RENTON AL 5-2531
OPENROAD NORTHWEST
BA 6-6950

MOBILE HOMES
BA 6-3052

Robinson & Lyon Ford



Mrs. Maureen Rater
11004 SE 235th St.
Kent, WA 98031-3439

1972

1973

**RENTON
STAKE
DIRECTORY**

**AND
ACTIVITY
CALENDAR**

STAKE
OFFICERS

KENT

KENT
SECOND

MAPLE
VALLEY

RENTON

RENTON
SECOND

RENTON
THIRD

RENTON
FOURTH

CALENDAR

KENT SECOND WARD 24419 94th South

Bishops Office UL 2-4861
Foyer UL 2-8882

MEETINGS

Priesthood Meeting Sunday, 7:15 am
Sacrament Meeting Sunday, 2:30 pm
Fast and Testimony Meeting First Sunday, 2:30 pm
Sunday School Meeting Sunday, 9:00 am
MIA Meeting Tuesday, 7:30 pm
Relief Society Meeting Thursday, 9:30 am
Primary Wednesday, 4:45 pm
Executive Committee Meeting Sunday, 10:30 am
Ward Council Meeting First Sunday, 10:30 am
Bishop's Meeting Sunday, 6:15 am

WARD COUNCIL

Bishop—Randall K. Borland 631-2493
1st Counselor—Ario D. Young 631-4123
2nd Counselor—K. Dennis Hoffmann 631-2088
Executive Secretary—Don W. Boren 631-2898
Ward Clerk (Historical)—Parley M. Conder 631-2238
Asst. Clerk (Financial)—J. Kent Weir UL 4-2508
Asst. Clerk (Statistical)—Jack T. Swain 631-4740
High Priest Group Leader—Harold D. Hancock UL 4-3968
Seaventy Group Leader—
Elders Quorum President—Robert M. Searle 631-4328
Gen. Sec. Youth Aaronic & YMMIA—Richard Pettit 631-0768
Relief Society President—
Sunday School President—Max Petty VE 9-190
Primary President—Carole Berry UL 2-4658
YWMIA President—

ALDER, Harold, Florence, 24906 38th Ave. So. VE 9-714
ALLENBACH, Herman, Veioy, 26829 162nd S. E. 631-2438
ALLEN, Bonnie, 26123 197th S. E. 631-2438
ANDERSON, Charles, 26623 114th S. E. UL 2-1538

BARBEE, Betty, 17149 S.E. 267th 631-4178
BATEMAN, N. James, Doris, 10433 Kent-Kangley Rd. # 224 UL 2-1538
BEAVER, Dana, 16750 S. E. 252nd Ct. 631-4388
BEERS, Max, Jean, 3414 S. 263rd UL 2-8958
BERBERT, Richard, Marieldda, 3406 S. 253rd VE 9-3618
BECK, Carl, 17626 S. 260th

BECHT, Robert, Ada, 25820 136th S. E. 631-1166
BERRY, Lloyd, Carole, 28411 59th Ave. So. UL 2-4557
BERRY, Robert, Diane, 4531 S. 256th UL 4-2638
BLANCHARD, Patrice, 11804 S. E. 275th 631-3310
BODILY, Reed, 25231 129th Pl. S. E. UL 4-3571
BOND, John, 4808 S. 256th UL 4-4753
BOND, Albert, Josephine, 25425 115th S. E. UL 2-7785
BODVIN, Barbara, 304 Kenosia UL 4-2081
BODVIN, Dale, 11020 Kent-Kangley UL 4-1888
BOND, Yvonne, 19102 S. E. 266th
BOREN, Don, Patsy, 14611 S. E. 276th Pl. 631-2895
BORLAND, Randall, Dennie, 26236 S.E. 173rd 631-2493
BOWEN, Gordon, Ethel, 26860 172nd Pl. S. E. 631-9787
BOWERS, Edwin, Leta, 514 Kenosia, #208 UL 4-9784
BRADSHAW, Gaylon, Peggy, 12524 S. E. 270th 631-2613
BROWN, Roberta, 11835 S. E. 276th 631-2022
BURNHAM, Richard, Beverly, 19441 S. E. 267th 631-2855
BURT, Velma, 518 Kenosia #B 111 UL 2-3715
BURWELL, Daniel, Katherine, 4421 So. 272nd UL 4-1603
BYE, Kathleen, 16625 S. E. 272nd

CARTER, Lamont, Marie, 4051 So. 270th UL 2-7783
CLARKSON, Louis, 19850 S. E. 272nd 631-1648
COLE, Al, Alberta, 4825 So. 272nd UL 4-9788
COLEMAN, Phillip, Donna, 26246 172nd S. E. 631-2635
CONDER, Parley, Opal, 14432 S. E. 263rd 631-2235
COSAND, Charles, Gail, 28642 112th S. E. UL 2-6533
COWAN, Donald, 15629 262nd Pl. S. E.
CROSTICK, Jean, 17265 S. E. Wax Rd. 631-1781

DAHL, Gary, 1259 W. Smith
DANIELUK, Jerry, 12806 S. E. 273rd
DAVIDSON, Eva, 3807 Hampton Way UL 4-3777
DAVIS, Dorothy, 19454 S. E. 267th 631-3317
DAY, Harold, 915 E. Maclyn UL 4-4392
DEHART, Arie, Sarah, 17238 S. E. 261st 631-0300
DELANO, Frank, 731 S. 5th, #27
DEVERAUX, Don, Jeanette, 27830 108th S. E. UL 2-4098
DEWEY, Jerald, 19221 S. E. 268th 631-4534
DILLEY, Helen, 27466 Military Rd. So., Auburn UL 4-1045
DONNER, Michael, Linda, 14719 S. E. 262nd 631-0302
DUKE, Donald, Marion, 17111 S. E. 265th 631-0876
DUKES, Eric, Melva, 17201 S. E. 264th 631-4389
DUNN, Larry, 9623 S. 248th, D-8

EATON, Susan, 1132 Chicago St.
ENGBRETH, Julia, 16326 S. E. 263rd Pl. 631-1739

FLUE, Helma, 533 3rd So. UL 2-2248
 FOX, Janet, 17625 S. E. 267th
 FREDRIKS, Donna, 12868 S. E. 252nd

GAINES, Jack, Joanne, 27439 141st S. E. 631-3688
 GARBANAT, Ida, 14517 S. E. 261st 631-2752
 GIBB, Byron, Alys Mary, 3405 So. 263rd VE 9-0481
 GIBBY, David, Ingelise, 14410 S. E. 261st 631-9145
 GJERDRUM, Johan, 7333 So. 285th UL 2-5899
 GRAFF, Lamar, Gail, 27634 42nd So. UL 4-2479
 GRAHAM, Jean, 26530 Princeton Ave. UL 2-8854
 GRAHAM, Michael, Linda, 26846 Military Rd. So. UL 2-0409
 GWIN, Joan, 4505 So. 283rd, Auburn

HAGBERG, Betty, 10608 S. E. 256th UL 4-2599
 HANCOCK, Harold, Kay, 28513 Cambridge Dr. UL 4-3959
 HAND, William, Florence, 208 E. Morton St. UL 2-7778
 HARRISON, Mina, 30031 164th S. E. 631-4519
 HAZEN, Fawn, 724 3rd So. UL 4-4410
 HEAPS, Norma, 17805 S. E. 266th Pl. 631-2883
 HEGLE, Susan, 25820 136th S. E.
 HESS, Blaine, Alice, 26815 102nd S. E. UL 2-8652
 HIRSCHI, DeVon, Udell, 3701 Hampton Way UL 2-8652
 HARKER, Van, Deanne, 4316 So. 261st UL 4-1793
 HARPER, Brent, Kathy, 11020 Kent-Kangley, #c-26 UL 2-8718
 HAMMOND, Nancy, 18008 S. E. 254th 631-3176
 HAMMOND, Robert, 619 1st Ave. So. #9 UL 2-3416
 HIGGINS, Sherry, 27406 131st Ave. E.
 HOFFMANN, Dennis, Karen, 26224 173rd S.E. 631-2088
 HODGEN, Robert, Linda, 10433 Kent-Kangley Rd.
 HOGGATT, Oma, 11834 S. E. 270th 631-0304
 HUGHES, Orsel, Gertrude, 28016 144th S. E. 631-2294

ISAACKS, Joseph, Linda, 12005 S. E. 270th 631-2554

JACKSON, Paul, 28634 51st Pl. So. VE 9-2877
 JACOB, Paul, Judith, 26253 172nd S. E. 631-2981
 JARVIS, Ronald, Mildred, 855 Tilden
 JENSEN, Lola, 24906 38th So. VE 9-714
 JENSEN, Kay Don, Kathleen, 1245 Weiland St. UL 2-178
 JOHANSEN, Rex, Eunice, 16810 S. E. 264th 631-182
 JOHNSON, Trana, 26412 94th So. UL 2-784
 JOHNSON, Lynn, Louise, 17323 S. E. 265th 831-278
 JOLLEY, Clifford, Verda, 12981 S. E. 273rd Court 631-3077
 JONES, Myles, Rosetta, 4216 Carnaby UL 4-9041
 JUDD, Billy, 11425 S. E. 266th UL 2-1851
 JUST, Ruth, 431 Scenic Way UL 2-8591

KALINA, Diane, 26815 102nd S. E.
 KELLER, Kenneth, Pauline, 13624 S. E. 256th 631-2611
 KITZMILLER, Patricia, 26224 172nd S. E. 631-3943
 KNIGHT, Gale, 26509 173rd Pl. S. E. 631-3966
 KLOEPFER, Floyd, 1492 S. E. 270th Pl. 631-1417
 KRIER, Juanita, 324 1/2 Naden Ave. UL 2-8434

LABRUM, Owen, Evelyn, 25643 Lake Fenwick Rd. UL 4-4844
 LANE, David, Sandra, Steven, 27403 1/2 118th S. E. 631-3844
 LARSEN, Gareth, Patty, 15265 S. E. 275th 631-4434
 LARSEN, Jean, 19414 S. E. 265th 631-3397
 LAYLAND, Terry, 10433 Kent-Kangley Rd. #219
 LEWIS, Frank, 4821 Kent-Des Moines Rd. #162
 LINCOLN, Vivian, 25851 142nd S. E. 631-3768
 LOHOLT, Jack, 25829 152nd S. E. 631-2437
 LONG, Teresa, 25311 182nd S. E. 631-4386

McCANN, Michael, Cheryl, 14812 S. E. 276th Pl. 631-0837
 McCONNAHA, Robert, Francis, 26502 186th S. E. 631-3708
 McGUIRE, Eibert, Donna, 410 So. 2nd UL 4-1206
 McKENNEY, Diana, 3023 So. 220th
 MACKAMAN, Lily, 26636 167th Pl. S. E. 631-2012
 MACKKEY, John, Lana, 25320 Lake Fenwick Rd. UL 2-5680
 MILLER, Faye, 17814 S. E. 282nd 631-1308
 MILLER, Bill, Phyllis, 17814 S. E. 282nd 631-1308
 MONACO, Charles, Kristina, 13719 S. E. 272nd 631-9457
 MONSON, Lynn, Sheri, 28219 45th So. UL 4-0160
 MOORE, Essie, 9623 So. 248th, #B4 UL 4-1813
 MORGAN, Albert, Patty, 318 1/2 Naden Ave. UL 2-3892
 MORGAN, Leland, Carolyn, 24814 128th S. E. UL 2-8160
 MORRIS, Marion, 28710 47th Pl. S. E.
 MORRIS, Timothy, 27431 S. E. 141st 631-3259

NABROTZKY, Ursula, 4821 Kent-Des Moines Rd. #123
 NEILSON, John, Sandra, 24827 128th Pl. S. E. UL 4-1191
 NEILSON, Afton, 26616 94th Pl. So. UL 2-3627
 NEILSON, Betty, 15219 S. E. 273rd Pl. 631-0774
 NOVAK, John, Deborah, 26447 170th S. E. 631-3715

OAKDEN, Gary, 25406 34th Pl. S. E. VE 9-9146
 O'NEIL, Lavar, 3424 So. 288th VE 9-1326
 ORNDORFF, Darrell, Bonnie, 26454 Green River Rd. UL 2-0946
 OSTLER, Hazel, Karen, 717 So. Maple Wood UL 2-3209

PARENT, Vivian, 14515 S. E. 260th 631-4315
 PARK, Jessie, 27430 156th S. E.
 PARKHURST, Dan, Ruth, 616 So. 2nd UL 2-4348
 PATZER, Richard, Carol, 13522 S. E. 278th UL 2-6627

EXHIBIT F



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

14TH & JEFFERSON • OB-2

PO Box 45710 • Olympia, WA 98504-5710
(360) 902-7920 • TDD (360) 902-9706 • FAX (360) 902-7903

December 29, 2005

Jack Kennedy, Paralegal
Law Offices of Gordon, Thomas, Honeywell,
Malanca, Peterson & Daheim LLP
One Union Square
600 University, Suite 2100
Seattle, Washington 98101-4185

Re: Public Disclosure Request

Dear Mr. Kennedy:

In regard to your December 20, 2005 request for records, the Children's Administration has no records for Jack Loholt or the Church of Jesus Christ of Latter Day Saints in Kent/Renton/Des Moines, Washington.

Please let me know if you have any questions.

Sincerely,

Barbara J. McPherson, Supervisor
Division of Field Operations
Children's Administration
360 902-7914

EXHIBIT G

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,
Plaintiffs,

vs.

THE CORPORATION OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL SERVICES
a/k/a LDS FAMILY SERVICES, a Utah
corporation,

Defendant.

NO. 04-2338 RSM

DEPOSITION UPON ORAL EXAMINATION OF
JAMES ALLENBACH
VIDEOTAPED PROCEEDING

9:39 o'clock a.m.

July 20, 2005

601 Union Street

Suite 3100

Seattle, Washington

REPORTED BY:
ALISON LOTT, CCR#2337

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1 Q How long were they in there with your dad?
 2 A I don't remember. A little bit of time.
 3 Q Was your mother there?
 4 A I can't remember.
 5 Q At the time that that incident occurred, was Jack Loholt
 6 living in your house?
 7 A Yes.
 8 Q Was he living down in the basement?
 9 A Yes.
 10 Q And after that incident, did he continue to live in the
 11 basement?
 12 A I can't remember. I remember just very little things.
 13 Q Do you remember any further abuse that occurred to you down
 14 in that apartment in the basement, other than the two we've
 15 talked about?
 16 A Yes.
 17 Q Pardon me?
 18 A Yes.
 19 Q Okay. Did that abuse continue after this incident of
 20 running around naked or the incident out in the field with
 21 the Kelly boys?
 22 A Yes.
 23 Q And for about how long did that continue after those first
 24 two instances that we've talked about?
 25 A Through Scouting.

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1 Q Do you know how long Jack Loholt continued to live in the
 2 basement?
 3 A No.
 4 Q Do you know if your dad ever talked to Jack Loholt about
 5 the abuse that you had talked to Mrs. Kelly about?
 6 A No.
 7 Q Did he ever come and talk to you about it?
 8 A No. I went to him, and talked to him when I was eight.
 9 Q What did you tell him when you were eight years old?
 10 A That it happened.
 11 Q That what happened?
 12 A With my little sister in the bathtubs.
 13 Q You and your sister were in the bathtub together?
 14 A Yeah.
 15 Q With Jack Loholt?
 16 A (Witness nods.)
 17 Q What did your dad say about that?
 18 A Not much.
 19 Q Do you know if he talked to Jack Loholt?
 20 A No.
 21 Q Did you tell him again after that?
 22 A I can't remember.
 23 Q Any time you want to stop, you just let me know.
 24 A Yeah.
 25 Q We have what we call Answers to Interrogatories,

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1 Mr. Allenbach. And these are questions that were sent to
 2 your attorney for you to answer. And in Interrogatory No.
 3 8, the question was, identify each person that you informed
 4 that you were the victim of inappropriate sexual contact
 5 and to the best of your ability, the date that you informed
 6 such person. The answer given by you was, I told my
 7 father, Herman Allenbach, when I was eight years old, that
 8 Loholt bathed my sister and me. Later, I told my father
 9 that Loholt did inappropriate things to me. I have also
 10 told my wife about the abuse by Jack Loholt. My question
 11 now is, it says, later I told my father that Loholt did
 12 inappropriate things to me. When did you later tell him?
 13 A When I was in Scouting.
 14 Q Were you still in Scouting when you told him, or had you
 15 finished Scouting?
 16 A Would be still in Scouting.
 17 Q When you say you were in Scouting, were you actually in Boy
 18 Scouts at the time? You were a Boy Scout?
 19 A Yeah.
 20 Q And Jack Loholt, what was his position in Scouting at that
 21 time?
 22 A Scout master.
 23 Q So it was while he was Scout master that you told -- and
 24 you were in Scouting, that you told your dad, as you put
 25 here, "I told my father that Loholt did inappropriate

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1 things to me"? Is that when you told him, while Loholt was
 2 Scout master and you were in Scouting? Is that correct?
 3 A Repeat that?
 4 Q Okay. I don't mean to confuse you. You said in your
 5 interrogatory, that, "Later I told my father that Loholt
 6 did inappropriate things to me." You said previously that
 7 that's when you were in Scouting, when you told your dad;
 8 is that correct?
 9 A Yes.
 10 Q Was Jack Loholt the Scout master at the time?
 11 A Far as I know. It was directed under him.
 12 Q Okay. And what did you tell your father was going on?
 13 A That things had happened. I didn't talk to him, tell him
 14 what it was, I just said things had happened to us.
 15 Q Did he ask you what you were talking about?
 16 A He didn't -- we didn't talk much about it. I mean, I was
 17 close to him, but I wasn't close to be able to talk to him
 18 as son to father.
 19 Q What did you say to him that -- about inappropriate
 20 contact? Did you say he'd been touching you or did you
 21 give him any idea of what was happening with Loholt?
 22 A No, I didn't -- I mean, I couldn't talk to him like that,
 23 tell him that he'd been touching. I just said things had
 24 happened.
 25 Q Did you tell him that it upset you? Did you tell him you

9 (Pages 30 to 33)

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800 Fifth Ave., Suite 101-122, Seattle, WA 98104 - (206) 467-0800

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<p>1 A He depended on me more than the others.</p> <p>2 Q Did you ever talk to your dad later on in your life about</p> <p>3 what Jack Loholt had done to you?</p> <p>4 A No.</p> <p>5 Q Did you ever ask him a question, you know, why didn't you,</p> <p>6 when I told you, why didn't you do something about it?</p> <p>7 MR. KOSNOFF: Objection. Are you asking when</p> <p>8 was an adult?</p> <p>9 Q (By Mr. Frey) Yeah, when you were an adult, did you ever</p> <p>10 have any discussions with your dad about the abuse and when</p> <p>11 you told him about those two occasions you told him about?</p> <p>12 Did you ever discuss that with him later on in life?</p> <p>13 A No.</p> <p>14 Q What was the relationship, as far as you could see it, how</p> <p>15 was the relationship between your mother and your father?</p> <p>16 A I always figured happy.</p> <p>17 Q By the way, did you attend church on a regular basis</p> <p>18 growing up?</p> <p>19 A Yes.</p> <p>20 Q Do you remember what ward you were in?</p> <p>21 A Kent Second.</p> <p>22 Q And how long did you continue to attend church at the Kent</p> <p>23 Second Ward?</p> <p>24 A Up till I served a mission.</p> <p>25 Q And when did you serve your mission?</p>	<p>1 Q Back when it was going on?</p> <p>2 A (Witness nods.)</p> <p>3 Q So --</p> <p>4 A Yes.</p> <p>5 Q So you were in Scouts at the time?</p> <p>6 A I was what?</p> <p>7 Q Were you in Scouting at the time you went to see the</p> <p>8 bishop?</p> <p>9 A Yes.</p> <p>10 Q And what did you tell Bishop Pettit?</p> <p>11 A Of the abuse, the things that were happening.</p> <p>12 Q What did you say to him?</p> <p>13 A I don't remember what we talked about.</p> <p>14 Q Did you tell him it was sexual abuse?</p> <p>15 A Yes.</p> <p>16 Q And what did Bishop Pettit say?</p> <p>17 A I don't --</p> <p>18 Q Was he the bishop at the time, by the way?</p> <p>19 A Yes.</p> <p>20 Q What did he say?</p> <p>21 A I don't remember what he said, just it would be taken care</p> <p>22 of.</p> <p>23 Q All right. And you're sure you were in Scouting at the</p> <p>24 time that you told him that?</p> <p>25 A As far as I can remember, yeah.</p>
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<p>1 A '80 -- 1979-'80, or -- probably -- '81-'82? '82-'83.</p> <p>2 Q Before you went on your mission, were you interviewed by a</p> <p>3 bishop?</p> <p>4 A Yes.</p> <p>5 Q And were you interviewed by the stake president?</p> <p>6 A Yes.</p> <p>7 Q Did you mention to them at any point in time about the</p> <p>8 abuse that you had suffered with Jack Loholt?</p> <p>9 A No.</p> <p>10 Q Have you ever told any church or official, a bishop or one</p> <p>11 of his counselors or stake president or one of his</p> <p>12 counselors about your abuse?</p> <p>13 A When it went on with Kevin Boren, we went to the bishop,</p> <p>14 Bishop Pettit.</p> <p>15 Q When did you go with Ken Boren to see --</p> <p>16 A Kevin Boren.</p> <p>17 Q Kevin, pardon me, Boren, to see Bishop Pettitt? Do you</p> <p>18 remember when that was?</p> <p>19 A I don't remember the date. I just remember we went to him</p> <p>20 and talked to him of it.</p> <p>21 Q How old were you?</p> <p>22 A I can't remember.</p> <p>23 Q Was it before or after your mission?</p> <p>24 A Before. When -- it was back when it was going on, the</p> <p>25 incident.</p>	<p>1 Q Anybody other than Bishop Pettit that you remember telling</p> <p>2 of the abuse?</p> <p>3 A No.</p> <p>4 Q Was Kevin Boren there at the time that you spoke with -- in</p> <p>5 the room with you, physically, when you spoke with Bishop</p> <p>6 Pettit?</p> <p>7 A I can't remember. I know he pulled us into the room, said</p> <p>8 what would you like to talk about.</p> <p>9 Q He pulled you into a room?</p> <p>10 A Into the room, you know, like one for an interview.</p> <p>11 Q Had you set this up in advance, to go talk to him?</p> <p>12 A I don't remember. I think we just went to talk to him.</p> <p>13 Q Is it possible that Bishop Pettit had actually seen you and</p> <p>14 asked you boys to come in because he wanted to talk to you?</p> <p>15 A I can't remember. All's I remember was talking to him</p> <p>16 about it.</p> <p>17 Q And you don't know whether he was the one who initiated</p> <p>18 that and asked you to step in a room and talk with him or</p> <p>19 whether you initiated it by setting up an appointment?</p> <p>20 A I actually don't remember.</p> <p>21 Q You don't remember how that happened?</p> <p>22 A No.</p> <p>23 Q Was he -- did he ask you what was going on, do you</p> <p>24 remember?</p> <p>25 A Did who ask me?</p>

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<p>1 Q Bishop Pettit, did he say anything about how are you doing 2 or is there anything wrong or do you have any remembrance 3 of that meeting at all? 4 A No. I don't remember it. 5 Q But you have a clear memory that you told him there was 6 some abuse? 7 A I know I talked to him, yes. 8 Q And you told him about the abuse? 9 A (Witness nods.) Yes. 10 Q Is that correct? 11 A Yes. 12 Q But you don't remember what he told him, huh? 13 A No. 14 Q When you say that he pulled them in -- "he pulled us in," 15 both of you boys went in together? Did he have both of you 16 inside there, it sounds like? That's your description, not 17 mine. You said, "He pulled us in." 18 A Well, I had gone to Kevin and talked to him, so -- I can't 19 remember if he pulled us both in or one at a time. 20 Q You had gone to Kevin to talk to who? 21 A Well, we used to always kid about it, I'd kid about it when 22 I was a kid. 23 Q With whom? 24 A Several of the Scouts. 25 Q Did Kevin tell you that he had been abused?</p>	<p>1 that we talked about it, and she'd always thought I was 2 kidding about it. 3 Q Was it -- when you say others, who was there? 4 A Just friends that hung out in church, we were all together, 5 church members. 6 Q And were you still attending a church in the '90s, the LDS 7 church? 8 A Far that I know of, I was kind of inactive active. 9 Q By the way, are you currently active in the church at all? 10 A Right now, I'm -- my wife's active and I am inactive. I go 11 there every so often. 12 Q With regard to telling your wife, would this have been in 13 conjunction with your going -- when you agreed to go for 14 counseling for cocaine addiction, back in '96? 15 A Repeat the question? 16 Q Would you have told your wife at the time in the '90s, 17 would it have been about the same time you went in to 18 the -- what's his name, the Puget Sound Hospital for 19 cocaine addiction? 20 A I'm not sure. 21 Q The records indicate that you told the people at Puget 22 Sound Hospital about your sexual abuse. Do you remember 23 that? You told them you were sexually abused? 24 A Do I remember that? 25 Q Yeah, do you remember telling them that?</p>
Page 59	Page 61
<p>1 A No. 2 Q So you don't know whether Kevin had been abused; is that 3 correct? 4 A Well, just through hearsay, that he had. 5 Q But he never told you that? 6 A No. 7 Q Do you know if he ever told Bishop Pettit that he had been 8 abused? 9 A No, I don't know. 10 Q Okay. It sounds like he interviewed both of you 11 separately; is that a fair statement? 12 A Probably. 13 Q Now, I want to go back for a minute to this interrogatory 14 about -- it asks you who you told about this abuse. We've 15 talked about your telling your dad -- 16 A Mm-hmm. 17 Q And we've talked about -- we haven't talked about, but the 18 next person you list is your wife. 19 A Mm-hmm. 20 Q When did you tell your wife? You said sometime -- in an 21 answer, in the 1990s. Do you remember when you told your 22 wife? 23 A No, it just came up. 24 Q How did it come up? 25 A Just through conversations with others, other friends and</p>	<p>1 A No, I don't remember. 2 Q When you told your wife, you said you were always kidding 3 about it. I'm not sure what you're telling me. Would you 4 explain that? 5 A The actions that Jack did to me, I would kid about it, like 6 the events that happened, I would tell them and everybody 7 would think that I was just kidding around with them. 8 Q And what do you mean, "everybody"? Who would you tell? 9 A The boys -- we hung out really close, all the kids at the 10 church, youth and that, as we grew up. We were really 11 close. 12 Q So this is way after, well after Scouting and you were 13 still in the church? 14 A Yeah. 15 Q How old would you be when you discussed this -- when did 16 you discuss this with the other kids? How long would this 17 last? 18 A Oh, just jokes, I'd tell them -- like the pencil trick or 19 I'd say stuff like that, to kid around with them. It 20 wasn't a -- 21 Q So sometime in the '90s, you told your wife; is that 22 correct? 23 A Mm-hmm. Well, she had heard -- you know, as we grew up, 24 she'd heard different things and that, but she never came 25 and confronted me.</p>

16 (Pages 58 to 61)

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<p style="text-align: right;">Page 62</p> <p>1 Q And what did you tell your wife?</p> <p>2 A Just I was involved in sexual abuse.</p> <p>3 Q Did you explain to her what had happened to you?</p> <p>4 A I can't remember.</p> <p>5 Q Well, did she ask you what are you talking about?</p> <p>6 A No, she didn't ask. I just pretty well told her that I</p> <p>7 was -- things that happened to me, growing up, through</p> <p>8 Scouts.</p> <p>9 Q Did you tell her some of the things you've told me?</p> <p>10 A No, she'd heard about the -- you know, joking around,</p> <p>11 pencil tricks, stuff like that, they all thought --</p> <p>12 Q Pencil tricks? What do you mean?</p> <p>13 A He would take a pencil and put it up his butt, and then do</p> <p>14 it up ours, mine, and make it disappear.</p> <p>15 Q And you told your wife about that, or people that you joked</p> <p>16 about that?</p> <p>17 A Yeah.</p> <p>18 Q So when you told your wife, what was her reaction to this?</p> <p>19 A Not much. I don't know. I can't remember much about it.</p> <p>20 Q Okay. Did you tell her how it affected you?</p> <p>21 A I can't remember.</p> <p>22 Q Was there a particular circumstance that caused you to tell</p> <p>23 your wife, like you were --</p> <p>24 A She might have asked. I just -- I told her a little bit</p> <p>25 about it.</p>	<p style="text-align: right;">Page 64</p> <p>1 A In the joking, they'd heard it.</p> <p>2 Q They heard it in the joking?</p> <p>3 A When -- yeah.</p> <p>4 Q Did you understand that they knew that -- when you were</p> <p>5 joking, that something had actually happened?</p> <p>6 A What was that? Repeat that?</p> <p>7 Q Well, you said you joked about it.</p> <p>8 A Yeah.</p> <p>9 Q In what way did you joke with them about it?</p> <p>10 A We'd call it the pencil trick or stuff like that.</p> <p>11 Q Was this something that was kind of humorous?</p> <p>12 A To us?</p> <p>13 Q Yes.</p> <p>14 A No, it was a way that I was trying to probably reach out.</p> <p>15 I don't know what it was.</p> <p>16 Q Did either of your brothers indicate to you that they had</p> <p>17 been abused too?</p> <p>18 A No.</p> <p>19 Q So Brent and Rick never said anything to you?</p> <p>20 A Hmm-mm.</p> <p>21 Q All right. But you knew Rick had been abused, right?</p> <p>22 A The only thing I heard was through -- that he did a plaster</p> <p>23 of Paris, and that's the only thing.</p> <p>24 Q But never in your -- he was never abused in your</p> <p>25 presence --</p>
<p style="text-align: right;">Page 63</p> <p>1 Q Okay. Now, after you disclosed this to your wife, did you</p> <p>2 talk about it after that for any period of time, or did it</p> <p>3 come up again at all?</p> <p>4 A I can't remember.</p> <p>5 Q Other than your wife and your dad, who else have you told</p> <p>6 about your being abused that you can remember?</p> <p>7 A No one, that I can remember. I kept it pretty quiet.</p> <p>8 Q Did you tell -- well, Bob Kelly knew, didn't he?</p> <p>9 A Yes.</p> <p>10 Q And how about Todd Denny? Do you know who Todd Denny is?</p> <p>11 A Mm-hmm.</p> <p>12 Q Did you tell him about it?</p> <p>13 A He was one that we'd always joke about it. It was a big</p> <p>14 joke, basically.</p> <p>15 Q Okay. And did Denny joke with you about it?</p> <p>16 A Mm-hmm, yeah.</p> <p>17 Q Anyone else that you can remember that you told?</p> <p>18 A No.</p> <p>19 Q So we've talked about Bishop Pettit, we've talked about</p> <p>20 your wife and your dad and you said Todd Denny knew and Bob</p> <p>21 Kelly knew. Anyone else you can think of?</p> <p>22 A I can't think of anyone else right to hand.</p> <p>23 Q Did you of tell your mom?</p> <p>24 A No.</p> <p>25 Q How about your brothers?</p>	<p style="text-align: right;">Page 65</p> <p>1 A No.</p> <p>2 Q -- is that correct? Okay. Have you gone to see any</p> <p>3 counselor or psychologist or therapist of any kind to work</p> <p>4 with you concerning the abuse that you suffered at the</p> <p>5 hands of Jack Loholt?</p> <p>6 A No. I've wanted to, but I don't want to bring it up.</p> <p>7 Q Okay. Have you ever -- when you were at Puget Sound</p> <p>8 Hospital, do you know if they ever gave you any type of</p> <p>9 psychological tests there, such as they gave you a form and</p> <p>10 you had to fill in little dots, they'd ask questions</p> <p>11 like -- we call it an MMPI.</p> <p>12 A I can't remember.</p> <p>13 Q Okay. So you don't know what testing if any they gave you</p> <p>14 there?</p> <p>15 A (Witness shakes head.)</p> <p>16 Q Okay. How would you describe your relationship with your</p> <p>17 brothers, Brent and Rick?</p> <p>18 A Brent, I'm really close to. Ricky, I don't care for.</p> <p>19 Q Is there some reason you don't care for Ricky?</p> <p>20 A It has to deal with my mom.</p> <p>21 Q Is that because you believe your mother favored Ricky over</p> <p>22 you?</p> <p>23 A Yes.</p> <p>24 Q How would she do that?</p> <p>25 A At Christmas time she'd give him my presents and I'd get</p>

17 (Pages 62 to 65)

EXHIBIT H

DEPOSITION OF KENNETH FLEMING, et al. - FLEMING v. "MORMON CHURCH," et al. - 7/20/05

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)

Plaintiffs,)

vs.) NO. 04-2338 RSM

THE CORPORATION OF THE PRESIDENT OF THE)
CHURCH OF JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation sole, a/k/a)
"MORMON CHURCH"; LDS SOCIAL SERVICES)
a/k/a LDS FAMILY SERVICES, a Utah)
corporation,)

Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF
KENNETH FLEMING
(VIDEOTAPED PROCEEDING)

9:38 o'clock a.m.
July 20, 2005
601 Union Street
Suite 3100
Seattle, Washington

REPORTED BY:

ALISON LOTT, CCR#2337

Page 3

THE VIDEOGRAPHER: We are on the record.
This is the videotaped portion in the deposition of Kenneth Fleming. My name is Dan Bassett. I am the videographer here today. I'm employed by Prolumina Trial Technologies located at 80 South Washington, Suite 200, in Seattle Washington, 98104. The court reporter is Alison Lott from Verb8M Reporting. This deposition is being recorded this 20th day of July, 2005.

The time now is approximately 9:38 a.m. We are in the offices of Stafford, Frey, Cooper, located at 601 Union Street, Suite No. 3100, in Seattle Washington, 98101. This deposition is being recorded in the matter of Fleming versus the Mormon Church, et al. The case number is 04-2338 RSM, in the United States District Court, Western District of Washington at Seattle. This deposition was noticed by Tom Frey.

Counsel and all present please identify yourselves for the record, and then the witness may be sworn in.

MR. KOSNOFF: Timothy Kosnoff on behalf of the plaintiff, Ken Fleming.

MR. FREY: Thomas Frey on behalf of the Corporation the President of the Church of Jesus Christ of Latter Day Saints, and the LDS Social Services. And also present is Mr. Marcus Nash, counsel for the same defendants.

Page 2

APPEARANCES

For the Plaintiffs: TIMOTHY D. KOSNOFF
Attorney at Law
One Union Square
600 University
Suite 2101
Seattle, Washington 98101

For the Defendant: THOMAS D. FREY
MARCUS NASH
Stafford Frey Cooper
601 Union Street
Suite 3100
Seattle, Washington 98101

Videotaped by: Dan Bassett,
Prolumina Trial Technologies

** MARKED PORTION OF PROCEEDINGS **
PAGE 86, LINE 14, THROUGH PAGE 87, LINE 15

EXHIBIT INDEX

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3	Defendant COP's First Interrogatories and Requests for Production to Plaintiff Kenneth Fleming and Amended Answers, Responses and Objections thereto	65

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KENNETH FLEMING, having been duly sworn by the Notary to tell the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. FREY:

Q Mr. Fleming, I've already identified myself on the record. My name is Tom Frey. I'm one of the attorneys for the LDS Church and LDS Social Services. Have you ever had your deposition taken before?

A No.

Q This is a process in which we're going to be asking you questions for the purpose of trying to find out the facts and circumstances of your claim. You're under oath, and this deposition can be used in a court at a later date if we deem it appropriate to do so. So what I want to be sure is that my questions are intelligible to you, you understand them, and that you give me a full and complete answer. Can we agree on that?

A I'll try my best.

Q The other thing is that some of us try to say "uh-huh" or "huh-uh" and we don't answer. So please answer audibly, yes or no, or if you give a more detailed answer, speak up so the court reporter can hear you, okay?

A Okay.

Q Now, if I ask you a question and you don't understand it,

1 (Pages 1 to 4)

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1 was abusing you when that occurred?
 2 A I felt trapped there. And I guess that question could also
 3 be asked to a woman that's being beaten by her husband, why
 4 did you stay? I didn't know how to get away from it.
 5 Q Were you living at home at the time?
 6 A Yes.
 7 Q Did you have to pay room and board or anything while you
 8 were living at home when were you 16 and 17, or did your
 9 family provide you a place to sleep and eat?
 10 A I did not pay room and board.
 11 Q So they provided you a place to sleep and food on the
 12 table, I presume; is that correct?
 13 A That's correct.
 14 Q So, when you went to work for Jack Loholt, this was
 15 something that you didn't have to do? Nobody forced you to
 16 go to work for him; you could have worked someplace else;
 17 is that correct?
 18 A Actually, I don't believe that is, because I felt trapped
 19 into going to work for Jack Loholt.
 20 Q Can you tell me why you felt trapped into working for him?
 21 A A lot of the parents thought Jack was good for the boys.
 22 He had a construction company. He built things. He ran
 23 bulldozers and backhoes and dump trucks. And I tried to
 24 get away from Jack Loholt, and Jack Loholt approached my
 25 mother, offered a job for me. I couldn't say no.

Page 54

1 Q And the reason you couldn't say no?
 2 A The reason that I felt I couldn't say no was because then
 3 it would have brought up questions like why? You can make
 4 more than you can cleaning the meat department at
 5 Albertson's or Safeway. Why would you not want to go to
 6 work for him where he's going to pay you more? And you've
 7 got the opportunity to learn so much. I didn't know how I
 8 would be able to go down that road.
 9 Q So you feel you were coerced into working for him because
 10 of your mother and the amount of money he was paying you?
 11 A Not because of my mother, because of my fear. And not that
 12 he was paying me a great deal of money. I don't even
 13 recall what it was. Because of how -- of my fear and how
 14 he convinced -- expressed what a great opportunity it would
 15 be to my mother. She thought it was a great thing.
 16 Q Was he physically abusing you on a regular basis while you
 17 were working for him in his construction job?
 18 A Every day.
 19 MR. KOSNOFF: Tom, I don't mean to interrupt
 20 you, but if you get a break opportunity in the next few
 21 minutes --
 22 MR. FREY: Okay. Let's stop right now.
 23 We've answered the question.
 24 THE VIDEOGRAPHER: Going off the record. The
 25 time right now is approximately 11:26 a.m.

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1 (A brief recess was taken.)
 2 THE VIDEOGRAPHER: Back on the record. This
 3 is the beginning of Tape No. 2 in the continuing deposition
 4 of Kenneth Fleming. The time now is approximately 11:38
 5 a.m.
 6 Q (By Mr. Frey) Mr. Fleming, you said he abused you every
 7 single day. What kind of abuse are we talking about? What
 8 was he doing to you?
 9 A Do you want details?
 10 Q Yes.
 11 A We usually had to go --
 12 Q If you need to take a break at any point in time, we can do
 13 that.
 14 A We would go into his room every morning, and he would take
 15 off my clothes and tell me to lay on the bed. He would
 16 fondle me, he would have oral sex with me, he would lay on
 17 top of me and rub his body on me, he would kiss me, he
 18 would tell me he loved me, he would take a stick and put
 19 Vaseline on it, he would put that into my body, and then he
 20 would lay on me and attempt to put his penis in me. He
 21 would want me to fondle him, to masturbate him, he would
 22 ejaculate into vials that he would save and would want me
 23 to do the same. Sometimes he would want me to ejaculate
 24 into his mouth.
 25 Q And this was on a daily basis?

Page 56

1 A Daily, to some degree.
 2 Q Not everything, but some aspect of this?
 3 A Mm-hmm.
 4 Q According to the answers to interrogatories, you worked for
 5 him -- we're talking about when you were 16 and 17, you
 6 worked for him. How long did this go on?
 7 A Until he left to go to Canada.
 8 Q But can you give me a sense of time?
 9 A I don't know what year he left to go to Canada.
 10 Q In the answers to interrogatories, it says you worked for
 11 him 1978-1979. So did this go on for a year or two or
 12 longer than that, from your memory? I mean, was it more
 13 than one summer, more than one winter? I'm trying to get
 14 you to think in terms of seasons, maybe, or --
 15 A I believe it was more than a year.
 16 Q When he did this to you on a regular basis, some form of
 17 this sexual activity, how did you feel about it?
 18 A I never wanted it to happen.
 19 Q Did it upset you?
 20 A Yes.
 21 Q Did you ever tell him that you did not want to do it?
 22 A Yes.
 23 Q Would he force himself on you then?
 24 A He would generally tell me this will be the last time, and
 25 it never was.

EXHIBIT I

Byers & Anderson
Court Reporters & Video

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
THE CORPORATION OF THE PRESIDENT)	
OF THE CHURCH OF JESUS CHRIST OF)	No. 4-2338 RSM
LATTER-DAY SAINTS, a Utah)	
corporation sole, a/k/a "MORMON)	
CHURCH"; LDS SOCIAL SERVICES a/k/a)	
LDS FAMILY SERVICES, a Utah)	
corporation,)	
)	
Defendants.)	

DEPOSITION OF PHILIP J. COLEMAN

September 15, 2005

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

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25th Anniversary 1980-2005

Philip J. Coleman
September 15, 2005

Byers & Anderson
Court Reporters & Video

<p style="text-align: right;">Page 42</p> <p>1 that your predecessor served?</p> <p>2 A Well, I started in 1973, and this was 1970, so no</p> <p>3 less than three. How much less, I don't remember.</p> <p>4 Q Can you give me a general sense of the kind of</p> <p>5 communication or the types of communications that go</p> <p>6 on between a departing bishop and an arriving bishop</p> <p>7 regarding the transfer of responsibilities within the</p> <p>8 ward?</p> <p>9 MR. FREY: Could I ask for a</p> <p>10 clarification?</p> <p>11 Are you talking about then or now?</p> <p>12 MR. KOSNOFF: He can only testify as to</p> <p>13 his experience.</p> <p>14 Q (By Mr. Kosnoff) If it changed in your later</p> <p>15 bishopric, perhaps you can point that out, but I'm</p> <p>16 trying to get a sense of is there a practice, is</p> <p>17 there a custom. How are the reigns transferred?</p> <p>18 MR. FREY: I am going to object to the</p> <p>19 form of the question. It's indeterminate in time,</p> <p>20 but go ahead and answer.</p> <p>21 THE WITNESS: Is there a protocol? I</p> <p>22 don't remember.</p> <p>23 I can remember what might have taken place.</p> <p>24 There would be a transfer of records, keys, the</p> <p>25 current mechanics in progress as far as the</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Did you have, for example, a discussion about how the</p> <p>2 Boy Scout program was operating and what changes need</p> <p>3 to be made there?</p> <p>4 A I do not recall any.</p> <p>5 Q Are there any protocols or practices that you recall</p> <p>6 involving communicating confidential, sensitive</p> <p>7 issues involving members of the ward?</p> <p>8 A I don't remember a protocol for that.</p> <p>9 Q Do you have any recollection of Bishop Borland</p> <p>10 telling you any sensitive or confidential information</p> <p>11 concerning any members of the ward?</p> <p>12 A I do not.</p> <p>13 Q When you became bishop, at that point had you been</p> <p>14 aware of there being any complaints of sexual</p> <p>15 misconduct with boys by Jack LoHolt?</p> <p>16 A No.</p> <p>17 Q Had you heard any rumors to that effect?</p> <p>18 A No.</p> <p>19 Q To your understanding what kind of a job was Jack</p> <p>20 LoHolt doing within the ward Scout program when you</p> <p>21 became bishop?</p> <p>22 A A young men's secretary position is often given to a</p> <p>23 person who is-- who needs something to do.</p> <p>24 Q And in that instance Jack LoHolt needed something to</p> <p>25 do?</p>
<p style="text-align: right;">Page 43</p> <p>1 organization is concerned, nonconfidential items of</p> <p>2 concern.</p> <p>3 Q (By Mr. Kosnoff) Now, I understand that the</p> <p>4 responsibilities of the bishop are great and</p> <p>5 multifaceted and include both administrative</p> <p>6 responsibilities and pastoral responsibilities.</p> <p>7 Do you recall having discussions of an</p> <p>8 administrative nature with your predecessor, Bishop</p> <p>9 Borland?</p> <p>10 MR. FREY: I am going to object to the</p> <p>11 form of the question.</p> <p>12 THE WITNESS: And I'm not sure I</p> <p>13 understand the question.</p> <p>14 Q (By Mr. Kosnoff) Well, you talked about keys,</p> <p>15 records. I'm assuming you're referring to things</p> <p>16 that had to do with the administrative operations of</p> <p>17 the ward.</p> <p>18 A Yes.</p> <p>19 Q Did it also involve discussions regarding personnel--</p> <p>20 strike that. Individuals in callings, positions, and</p> <p>21 offices under the purview of the bishop?</p> <p>22 A It might have.</p> <p>23 Q Do you have any specific recollection of any of those</p> <p>24 discussions?</p> <p>25 A I do not.</p>	<p style="text-align: right;">Page 45</p> <p>1 A I can't infer the second from the earlier, but that</p> <p>2 was a statement of fact of the position.</p> <p>3 Q Okay.</p> <p>4 A I don't recall how well Jack was doing or why he was</p> <p>5 put in the position.</p> <p>6 Q He was already in that position when you became</p> <p>7 bishop?</p> <p>8 A I don't recall that either.</p> <p>9 Q At some point during the three years that you were</p> <p>10 bishop, did someone bring to your attention an</p> <p>11 allegation that Jack LoHolt was sexually molesting</p> <p>12 boys?</p> <p>13 A In the specific, I have to say no to sexually</p> <p>14 molesting.</p> <p>15 Q What about generally?</p> <p>16 A In the general to sexually molesting, I have to say</p> <p>17 no.</p> <p>18 Q Did you receive any information of any kind from any</p> <p>19 person that Jack LoHolt was allegedly engaging in</p> <p>20 sexually inappropriate activity?</p> <p>21 A Yes.</p> <p>22 Q From who whom did you learn that?</p> <p>23 MR. FREY: I am going to object at this</p> <p>24 point in time.</p> <p>25 Let me tell you the basis for the objection.</p>

12 (Pages 42 to 45)

Philip J. Coleman
September 15, 2005

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<p>1 He was a bishop at the time, and we treat those</p> <p>2 communications as confidential, and in trying to help</p> <p>3 you with this answer, I'm not trying to present a</p> <p>4 roadblock.</p> <p>5 As an accommodation and because of the fact that</p> <p>6 the individuals involved have not authorized this</p> <p>7 information to be given, I think they have a right to</p> <p>8 privacy in that regard and a right to have it</p> <p>9 protected.</p> <p>10 As an accommodation, I'll allow the witness to</p> <p>11 tell you in a general sense what he heard had</p> <p>12 happened, and I'm not waiving any privilege by doing</p> <p>13 that.</p> <p>14 If you'll accept that, we can go forward.</p> <p>15 You don't have to accept my objection, but if you</p> <p>16 want to go forward, I'm willing to do that on this</p> <p>17 basis.</p> <p>18 MR. KOSNOFF: Tom, I would like to take</p> <p>19 a brief bathroom break and come back and continue</p> <p>20 this dialogue on that point.</p> <p>21 (Recess 10:27 to 10:33 a.m.)</p> <p>22</p> <p>23 MR. KOSNOFF: Mr. Frey, this is not</p> <p>24 unfamiliar ground to the two of us, this point.</p> <p>25 We've been at similar points in other cases.</p>	<p>1 you need to go--</p> <p>2 MR. KOSNOFF: Before we go there, I</p> <p>3 think this is important that we establish enough of a</p> <p>4 factual record here for Judge Martinez so we only</p> <p>5 have to take one trip up and bring Dr. Coleman back</p> <p>6 one more time as opposed to two more times, so I</p> <p>7 would propose that with respect to the assertion of</p> <p>8 the claimed privileges that you're making, that you</p> <p>9 take a moment and establish whatever factual basis</p> <p>10 you would like with Dr. Coleman to support the</p> <p>11 assertion of those privileges.</p> <p>12 I'm inviting you to do that because, as you know,</p> <p>13 it's the proponent of the privilege that carries the</p> <p>14 burden of establishing it, and I just want to make</p> <p>15 sure that when this goes up to Judge Martinez, that</p> <p>16 you've had a full opportunity to make as full an</p> <p>17 evidentiary record as you need to make your arguments</p> <p>18 to him.</p> <p>19 MR. FREY: It's not my burden. Under</p> <p>20 the rule I'm exercising those privileges, and I've</p> <p>21 enumerated them.</p> <p>22 If you wish to question the witness, you are free</p> <p>23 to do that. If you choose to go to Judge Martinez,</p> <p>24 I'll be happy to supply whatever additional</p> <p>25 information I need by way of affidavit or otherwise.</p>
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<p>1 From your comments I take that you are making an</p> <p>2 objection based upon a number of criteria. One, I</p> <p>3 think I heard an assertion of the clergy penitent</p> <p>4 privilege.</p> <p>5 MR. FREY: I'll make it simple for you.</p> <p>6 I'll tell you what the basis for my objection is:</p> <p>7 one, it's a constitutional objection on the free</p> <p>8 exercise clause; number two, it may also be on the</p> <p>9 basis of the priest penitent privilege depending on</p> <p>10 the circumstances under which he may have heard</p> <p>11 something; and the third ground is that we've said in</p> <p>12 our answers to interrogatories I'm not prepared to</p> <p>13 reveal the names of anybody or have my client reveal</p> <p>14 the names of anyone who has been molested without</p> <p>15 that person's consent because I know for a fact, and</p> <p>16 I've gotten court orders on this, that it can be</p> <p>17 devastating to have someone knock on their door and</p> <p>18 say, "I understand you've been abused and I'd like to</p> <p>19 talk to you about it."</p> <p>20 For those three reasons-- I am willing to go</p> <p>21 forward because I know that you have the right to</p> <p>22 determine knowledge and what they knew and should</p> <p>23 have known, and I'm willing to let him tell you in a</p> <p>24 general fashion, and I guess I could proffer this for</p> <p>25 the record what he can tell you to get you to where</p>	<p>1 I've tried to explain to you, and you're free to</p> <p>2 ask him the circumstances and free to ask him a</p> <p>3 number of questions, and I think you can get the</p> <p>4 information that you need without revealing these</p> <p>5 names.</p> <p>6 Quite frankly, Tim, I don't want to reveal any</p> <p>7 names or my client to reveal any names that he may</p> <p>8 have heard of that are not public right now because I</p> <p>9 simply don't think it's appropriate.</p> <p>10 As I've said before, I've gotten court orders</p> <p>11 restricting that information.</p> <p>12 MR. KOSNOFF: I understand that there</p> <p>13 are--</p> <p>14 MR. FREY: So you can question him now</p> <p>15 and ask him--</p> <p>16 MR. KOSNOFF: I just want the record to</p> <p>17 reflect that I am not unaware of the fact that there</p> <p>18 are protected limited privacy interests of third</p> <p>19 parties that the Court has to be mindful of, and it's</p> <p>20 a weighing of rights and interests that the Court</p> <p>21 will have to make.</p> <p>22 Let me go forward with some additional questions</p> <p>23 so that at least we have some factual record for the</p> <p>24 Court.</p> <p>25 Q (By Mr. Kosnoff) Dr. Coleman, as I understand</p>

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<p style="text-align: right;">Page 50</p> <p>1 Mr. Frey's comments, you received a communication 2 from someone while you were bishop regarding an 3 allegation of sexual misconduct by Jack LoHolt; is 4 that correct? 5 A That's correct. 6 Q Was the person who communicated this to you a member 7 of the Mormon church? 8 A Yes. 9 Q Was this communication made to you in your capacity 10 as bishop? 11 A I think so. 12 Q Okay. Did it occur at, for example, the ward 13 building or your office? 14 A I don't remember that. 15 Q Okay. Was the person who communicated this to you, 16 in your view, making a statement of confession or 17 penitential contrition? 18 A No. 19 Q Under the doctrines and tenants of your faith, do you 20 believe that you are absolutely required to keep what 21 that person said to you confidential, and I mean that 22 you cannot repeat it to anyone? 23 A No. 24 Q Do you know the Harrison family? 25 A I do.</p>	<p style="text-align: right;">Page 52</p> <p>1 confirm, I suppose, the name of a victim, then I'm 2 going to tell you you don't have to answer it. 3 THE WITNESS: To my own understanding of 4 the question, the answer is no. 5 Q (By Mr. Kosnoff) In October of 2003, did you get a 6 phone call from a woman that was asking you about 7 what you knew about Jack LoHolt? 8 A I did. 9 Q And did you tell her that Jack's problem came to your 10 awareness, "When some young boys came to me and told 11 me that Jack had been molesting them"? 12 A I did not say that, to my knowledge. 13 Q Did you tell that person that after talking with 14 those people, that you spoke with Jack LoHolt and his 15 parents? 16 A This question was contingent on the prior one about 17 boys having spoken to me, and the answer to that one 18 is no, and therefore the answer to this one is no. 19 May I take a moment with these gentlemen? 20 Q Of course. 21 Have you finished your last answer? 22 A On that question, yes. 23 (Recess 10:43 to 10:47 a.m.) 24 25 MR. FREY: We can go back on the record,</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Did a member of the Harrison family disclose to you 2 that Jack LoHolt had or was sexually molesting one or 3 more of their sons? 4 MR. FREY: I am going to object to the 5 question and instruct the witness that he does not 6 have to answer it. 7 THE WITNESS: I am going to say no. 8 MR. KOSNOFF: I'm sorry, Tom, I missed 9 what you said. Did you say that you were instructing 10 him not to answer? 11 MR. FREY: I instructed him not to 12 answer, but he already said "No." 13 Q (By Mr. Kosnoff) You knew the Harrison family? 14 A Yes. 15 Q And as I recall, she was a member of the church but 16 Mr. Harrison was not? 17 A That's as I recall. 18 Q And they had three sons who were members of the 19 church? 20 A I think so. 21 Q Did any member of the Harrison family tell you that 22 Jack LoHolt was sexually molesting them? 23 MR. FREY: If this is going to require 24 you to breach any confidential agreement or 25 understanding that you believe you have had and/or to</p>	<p style="text-align: right;">Page 53</p> <p>1 and the witness wants to clarify the answer is maybe 2 the best way to put it. 3 Q (By Mr. Kosnoff) Dr. Coleman, do you want to clarify 4 an earlier answer? 5 A If I may. 6 With regard to an individual making me aware of 7 something that happened between her sons and Jack 8 LoHolt, the answer is yes, and the answer is that 9 there was an exposure. 10 In my own mind, at least at the time, maybe not 11 now, that did not constitute abuse. 12 That's why I gave "no" to those answers, but I 13 wanted you to be aware of what did happen. 14 Q What was your understanding of what Jack LoHolt had 15 done, allegedly? 16 A Exposed his private parts. 17 Q To whom and where? 18 A As I recall it-- 19 MR. FREY: I am going to again instruct 20 the witness not to say the names of who, but he can 21 say anything else. 22 THE WITNESS: As I recall, two boys, as 23 I recall it, on an outing, which Jack frequently took 24 them, either fishing or camping-- he was a bit of a 25 replacement for an absentee father.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q (By Mr. Kosnoff) In fact, Jack had become kind of a</p> <p>2 surrogate father to the boys in absence of their</p> <p>3 natural father?</p> <p>4 A That's calling for a judgment.</p> <p>5 Q Is that your understanding?</p> <p>6 A I think what I said earlier would be appropriate.</p> <p>7 Q But it was your understanding that Jack had been</p> <p>8 spending a lot of time with these boys?</p> <p>9 A I think so.</p> <p>10 Q When you received this information, were you</p> <p>11 concerned?</p> <p>12 A Indeed.</p> <p>13 Q Were you very concerned?</p> <p>14 A Indeed.</p> <p>15 Q Okay. Being very concerned, what did you do?</p> <p>16 A Spoke to Jack.</p> <p>17 Q Where did that conversation take place?</p> <p>18 A In the bishop's office.</p> <p>19 Q Did you call him in?</p> <p>20 A I did.</p> <p>21 Q What was said by Jack to you?</p> <p>22 A I don't recall the details, but he denied it.</p> <p>23 Q Jack denied that he'd engaged in the conduct?</p> <p>24 A He did.</p> <p>25 Q Did Jack acknowledge, however--</p>	<p style="text-align: right;">Page 56</p> <p>1 that you had with Jack.</p> <p>2 A That would fall under the auspices of a privileged</p> <p>3 communication, yes, I think so.</p> <p>4 Q After you talked with Jack, did you talk with his</p> <p>5 parents?</p> <p>6 A I did.</p> <p>7 Q Where did that take place?</p> <p>8 A Bishop's office.</p> <p>9 Q Okay. What was said by the parents to you-- strike</p> <p>10 that.</p> <p>11 Did you tell the parents the information that you</p> <p>12 had regarding Jack's behavior?</p> <p>13 A I did.</p> <p>14 Q What was their reaction?</p> <p>15 A Disbelief.</p> <p>16 Q Okay. After that exchange, what did you do with this</p> <p>17 information?</p> <p>18 A We released Jack from his church callings, and I</p> <p>19 notified, as I recall, at least some key individuals</p> <p>20 who would need to know about it.</p> <p>21 Q And those were priesthood leaders?</p> <p>22 A My counselors. I remember specifically-- I can't</p> <p>23 honestly say I remember talking to the young men's</p> <p>24 president, but that might have been usual, and</p> <p>25 perhaps to the Scout master, but I don't remember</p>
<p style="text-align: right;">Page 55</p> <p>1 MR. FREY: For the record, I want to</p> <p>2 make this clear because this is going to come up</p> <p>3 again.</p> <p>4 In those conversations where you're acting with</p> <p>5 your bishop's hat on and you're speaking to one of</p> <p>6 your people and it involves what could be classified</p> <p>7 as a transgression within the church, you do have the</p> <p>8 right not to disclose that information.</p> <p>9 On the other hand, I want you to be able to</p> <p>10 answer Counsel's question as best you can because he</p> <p>11 has a right to find out what we knew or didn't know</p> <p>12 or should have known.</p> <p>13 Q (By Mr. Kosnoff) I would add whether or not a</p> <p>14 privilege really applies really depends on the</p> <p>15 circumstances and the conduct and the intent of the</p> <p>16 parties.</p> <p>17 A I think in this context it would.</p> <p>18 Q The question of whether or not under the doctrine and</p> <p>19 beliefs of the Mormon church and the circumstances of</p> <p>20 this communication between you and Jack, is it your</p> <p>21 belief that this was a privileged communication</p> <p>22 between bishop and member?</p> <p>23 A May I make a statement?</p> <p>24 The information came to me other than Jack.</p> <p>25 Q I understand that, but I'm referring to the meeting</p>	<p style="text-align: right;">Page 57</p> <p>1 that.</p> <p>2 Q Richard Pettit was one of your counselors, correct?</p> <p>3 A He was.</p> <p>4 Q And, in fact, you did tell Richard Pettit?</p> <p>5 A That's my recollection.</p> <p>6 Q What else did you do?</p> <p>7 A If I can digress for a moment, my role as a bishop</p> <p>8 was to serve everyone, including, if possible, Jack.</p> <p>9 During an era at that time where at least</p> <p>10 personally and I think rather generally there was</p> <p>11 little information about the recurrent nature or</p> <p>12 problem of a sexual offender and indeed little about</p> <p>13 how to deal with it in the social aspect, I continued</p> <p>14 to work privately with Jack to try to help him to be</p> <p>15 reconciled to Christ.</p> <p>16 Q Through your work with Jack to be reconciled with</p> <p>17 Christ, did you come away with a feeling that the</p> <p>18 problem had been adequately addressed?</p> <p>19 MR. FREY: In answering that question--</p> <p>20 THE WITNESS: I can't answer that. I</p> <p>21 can't say.</p> <p>22 Q (By Mr. Kosnoff) Did you do anything to investigate</p> <p>23 whether there may have been other incidents and other</p> <p>24 victims?</p> <p>25 A I want to say yes, but I frankly don't remember the</p>

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<p style="text-align: right;">Page 58</p> <p>1 answer to that.</p> <p>2 Q Did you consider at any point calling the police and</p> <p>3 letting them handle it?</p> <p>4 A Surely in today's environment, surely in the</p> <p>5 environment as a bishop in 1988 the answer would have</p> <p>6 been an obvious yes.</p> <p>7 In the environment at that time, given society's</p> <p>8 general level of expectation and indeed perhaps my</p> <p>9 own naivety, I guess not. I don't think so, no.</p> <p>10 Q Just to clarify, the question was directed at what</p> <p>11 your state of mind was at that time, and my question</p> <p>12 is: Did it ever cross your mind to call the police?</p> <p>13 A I answered that question in the best way I could, and</p> <p>14 I can't possibly say if something might have ever</p> <p>15 crossed my mind at that point.</p> <p>16 Q But as you sit there now, you can't remember having</p> <p>17 thought that at the time?</p> <p>18 A I have no recollection of having thought that.</p> <p>19 Q Do you remember when in relation to the beginning and</p> <p>20 the end of your term as bishop that this situation</p> <p>21 arose with Jack?</p> <p>22 A I believe, and this is a vague memory, that it would</p> <p>23 have been in 1975.</p> <p>24 Q So maybe in the final year of your bishopric?</p> <p>25 A That's correct or just prior to the final year.</p>	<p style="text-align: right;">Page 60</p> <p>1 A Any position, as I recall.</p> <p>2 Q Did you announce it to the ward membership as a whole</p> <p>3 that Jack had been removed from all positions within</p> <p>4 the ward?</p> <p>5 A Not that I remember.</p> <p>6 Q Did you take any special precaution to warn families</p> <p>7 with children to avoid Jack LoHolt?</p> <p>8 A It's been 30 years. I don't remember that.</p> <p>9 Q Did you take any special precautions to try and</p> <p>10 prevent Jack LoHolt from having contact with</p> <p>11 children?</p> <p>12 A Within the church setting, yes, but I have to say</p> <p>13 that in my own efforts to personally help Jack along</p> <p>14 in his own life, that he came to my own home, was in</p> <p>15 my own home for Christmas, the following Christmas,</p> <p>16 and to dinner on other occasion, and my own children</p> <p>17 were present, although my children were protected at</p> <p>18 the time, although I don't know that I expected</p> <p>19 anything to happen from Jack.</p> <p>20 That's enough of a statement.</p> <p>21 Q Your children were, at that time, in the '70s, some</p> <p>22 of them were teenagers and some of them were younger?</p> <p>23 A The first oldest born in '68, so '75 would have been</p> <p>24 7 or going on 7 years of age.</p> <p>25 Q So your oldest was 7?</p>
<p style="text-align: right;">Page 59</p> <p>1 I am not sure exactly the time of year.</p> <p>2 Q What sort of memory queues are you relying on the</p> <p>3 pinpoint it to that particular period of time?</p> <p>4 A Well, I knew my time in service, and I just have to</p> <p>5 say to the best of my recollection I just can't say I</p> <p>6 have a queue there.</p> <p>7 Q Is it linked to--</p> <p>8 A I seemed later in my tenure rather than sooner.</p> <p>9 Q I thought it was maybe linked to some other event--</p> <p>10 A Well, Bishop Pettit was not a counselor in the</p> <p>11 earlier part of the bishopric.</p> <p>12 Q Within a bishopric is a first counselor someone who</p> <p>13 has more authority or responsibility than a second</p> <p>14 counselor or are they co-equals?</p> <p>15 A I would say largely co-equal, but in the absence of</p> <p>16 the bishop, the first counselor takes charge.</p> <p>17 Q Did you do anything-- strike that.</p> <p>18 Did you ask First Counselor Pettit to do anything</p> <p>19 to assist you with respect to dealing with the</p> <p>20 situation involving Jack LoHolt?</p> <p>21 A I don't remember.</p> <p>22 The truth is I don't remember if he was my first</p> <p>23 or second counselor.</p> <p>24 Q You said that you removed Jack from positions working</p> <p>25 with youth in the ward?</p>	<p style="text-align: right;">Page 61</p> <p>1 A Mm-hm.</p> <p>2 Q Did you say anything to any of your own children</p> <p>3 along the lines of, "Stay away from Jack. Avoid</p> <p>4 Jack"?</p> <p>5 A If I did, I don't remember that.</p> <p>6 Q After you became aware of the situation with Jack,</p> <p>7 did you do anything to limit the contact that Jack</p> <p>8 LoHolt had with any of your own children?</p> <p>9 A I don't know that there was any necessity of doing</p> <p>10 that.</p> <p>11 There would have been no reason for him to have</p> <p>12 contact with my children, but I would have, I think,</p> <p>13 if that helps.</p> <p>14 Q During the period that you were working with Jack to</p> <p>15 try and help him, did he continue to attend Sunday</p> <p>16 services?</p> <p>17 A I'm unsure about that. My best recollection is no.</p> <p>18 Q Did you exclude him?</p> <p>19 A No.</p> <p>20 Q Were you aware, when you found out about the</p> <p>21 situation with Jack, where Jack was residing?</p> <p>22 A Yes, I think so.</p> <p>23 Q And was he residing at the Allenbach compound?</p> <p>24 A A home on the property belonging to Herman Allenbach,</p> <p>25 a small home.</p>

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